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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,447	03/16/2004	Bill Kavadeles	01MOT204P-DIV	3540
25700	7590	09/08/2004	EXAMINER	
FARJAMI & FARJAMI LLP 26522 LA ALAMEDA AVENUE, SUITE 360 MISSION VIEJO, CA 92691			STINSON, FRANKIE L	
			ART UNIT	PAPER NUMBER
			1746	

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/802,447

Applicant(s)

KAVADELES ET AL.

Examiner

FRANKIE L. STINSON

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 14-25 and 27-35 is/are rejected.
- 7) ☒ Claim(s) 26 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/16/2004</u> . | 6) <input type="checkbox"/> Other: ____. |

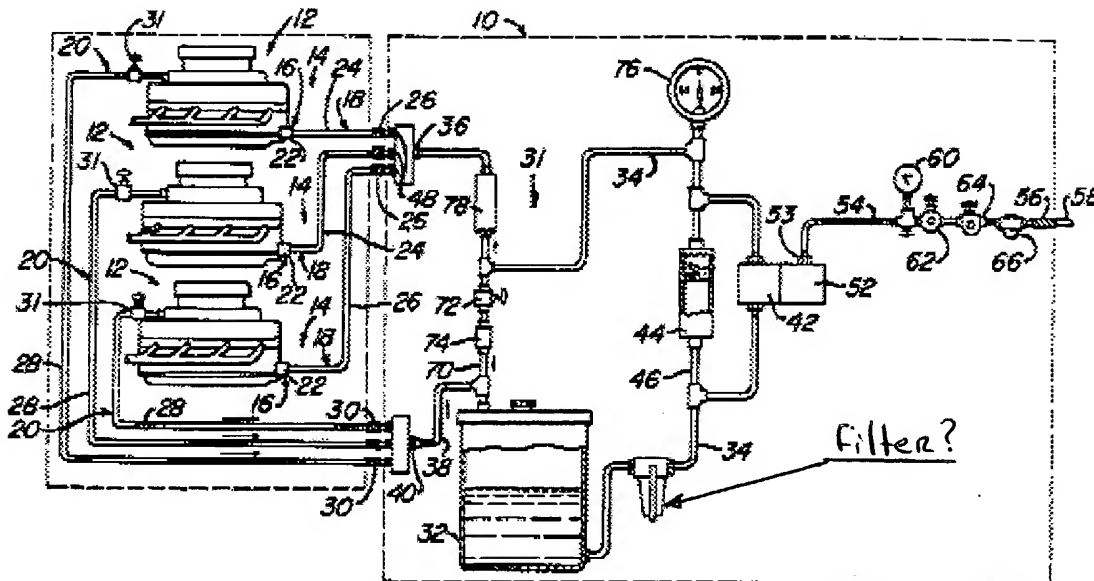
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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 14, 15, 22 and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flynn (U. S. Pat. No. 5,833,765) in view of Flynn (U. S. Pat. No. 5,271,361), Wu or Waelput et al.

Re claims 14 and 22, Flynn'765 discloses a cleaning apparatus/method for cleaning a system (12) having a first fluid (fuel for example) and a system pump (22), said cleaning apparatus comprising: a tank (32) including a second fluid; an output hose (34); an apparatus pump (42) for pumping a predetermined amount of said second fluid from said tank into said system via said output hose (see Flynn'765, col.5, lines 43-56), while said system pump is off; a return hose (38); wherein after said predetermined amount of said second fluid is pumped into said system (see Flynn'765 col. 5, line 56 thru col. 6, lines 1-2) said system pump is turned on to pump said first fluid and said second fluid out of said return line into said output hose and back into said system that differ from the claims only in the recitation of the filter. Although a filter is not discussed or addressed in the Flynn'765 reference it is believed that Flynn'965 teaches a filter (see fig. below)



Nonetheless, the patents to Flynn'361, Wu and Waelput each specifically teaches a filter as claimed (50 in Flynn'361, 107a-c in Wu and 92, 110, 130, 132 in Waelput). It therefore would have been obvious to one having ordinary skill in the art to modify the apparatus of Flynn'765, to include a filter as taught by Flynn'361, Wu or Waelput, for the purpose of removing debris from the cleaning fluid. Re claim 15, Flynn'765 discloses the flow sensor/meter (78). Re claim 33, Flynn'765 is cited as immediately applied above and thusly, claim 33 defines over Flynn only in the recitation of the filter and the fluid container coupled to an output hose and receiving the second fluid from the tank and with the container having float switches. Flynn'361, Wu and Waelput all disclose the filter as noted above. As for the container, Wu disclose a container (121) having level sensors (functional equivalents, see MPEP 2114) where the container receives a second fluid from a tank (1012, see Flynn'765, col. 6 lines 66 thru col. 7, lines 1-17). It therefore would have been obvious to one having ordinary skill in the art to modify the

device of Flynn'765, to include a container as taught by Wu, for the purpose or precisely metering the second fluid into the system. Re claim 34, Wu discloses the second switch and predetermined level. Re claim 35, to have the filter located in the fluid container is deemed to be an obvious matter of design (see MPEP §2144.04 VI. REVERSAL, DUPLICATION, OR REAR-RANGEMENT OF PARTS).

3. Claims 16 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applied prior art as applied to claim 14 above, and further in view of Hollub. Claims 16 and 23 define over the applied prior art only in the recitation of the controller in communication with the pump and flow sensor to turn off the apparatus pump. Hollub is cited disclosing (see col. 8, lines 44-55). It therefore would have been obvious to one having ordinary skill in the art to modify the device of Flynn'765, to include a controller as taught by Hollub, for the purpose of ensuring that all of the conditioning fluid is used.

4. Claims 17 and 18, 24, 25 and 27, are rejected under 35 U.S.C. 103(a) as being unpatentable over the applied prior art as applied to claim 14 above, and further in view of Harris, Bartos et al. or Noble, III.

Claims 17 and 24 define over the applied prior art only in the recitation of the air storage tank and compressor. Harris, Bartos and Noble are each cited disclosing the compressor (112 in Harris, 14 in Bartos and 70 in Noble) and storage tank (24 in Harris, 18 in Bartos and 10 in Noble). It therefore would have been obvious to one having ordinary skill in the art to modify the system of Flynn'765, to include a compressor and storage tank as taught by Harris, Bartos or Noble, for the purpose of purging the spent cleaning/conditioning fluid from the system. Re claims 18 and 27, Bartos (as at 54, 56,

58) and Noble (as at 54) disclose the regulator. Re claim 25, Flynn'765, as proposedly modified, discloses the pumping of the second fluid into the system

5. Claims 19-21 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applied prior art as applied to claims 14, 17 and 18 above, and further in view of Nagase.

Claims 19 and 28 defines over the applied prior art only in the recitation of the pressure shut off switch. Nagase disclose the old and well-known arrangement in a compressor of having a switch that shuts off compressor at a predetermined pressure level. It therefore would have been obvious to one having ordinary skill in the art to modify the device of Flynn;765, as proposedly modified, to include a shutoff as taught by Nagase, fro the purpose of preventing damage to the system. Re claim 20, Bartos discloses the gage (58). Re claim 21, Harris discloses the timed air release control valve (see col. 7, lines 24-43).

6. Claim 26 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In Morgan et al., Suratt, Viken, Camacho et al., Huddas, Albertson, Dixon et al., Robert et al., note the flushing means. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKIE L. STINSON whose telephone number is (571) 272-1308. The examiner can

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normally be reached M-F from 5:30 a.m. to 2:00 p.m. and some Saturdays from 5:30 a.m. to 11:30 a.m.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to TECHNOLOGY CENTER 1700 (571) 272-1700.

Any inquiry for missing parts of this Office Action (copies of references, pages, forms etc.), contact the TEAM LEADER Ms. Nicol Scott (571) 272-1045.

fls

A handwritten signature in black ink, appearing to read 'Frankie L. Stinson'.

FRANKIE L. STINSON
Primary Examiner
Art Unit 1746